

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To prevent the importation of counterfeit products  
and infringing devices.

**IN THE SENATE OF THE UNITED STATES—112th Cong., 1st Sess.**

**S. 968**

To prevent online threats to economic creativity and theft  
of intellectual property, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. LEAHY (for  
himself and Mr. GRASSLEY)

Viz:

1 On page 30, after line 18, insert the following:

2 **SEC. 8. PREVENTING THE IMPORTATION OF COUNTERFEIT**  
3 **PRODUCTS AND INFRINGING DEVICES.**

4 Notwithstanding section 1905 of title 18, United  
5 States Code—

6 (1) if United States Customs and Border Pro-  
7 tection suspects a product of being imported or ex-  
8 ported in violation of section 42 of the Lanham Act,  
9 and subject to any applicable bonding requirements,  
10 the Secretary of Homeland Security is authorized to  
11 share information on, and unredacted samples of,

1 products and their packaging and labels, or photos  
2 of such products, packaging and labels, with the  
3 rightholders of the trademark suspected of being  
4 copied or simulated, for purposes of determining  
5 whether the products are prohibited from importa-  
6 tion pursuant to such section; and

7 (2) upon seizure of material by United States  
8 Customs and Border Protection imported in viola-  
9 tion of subsection (a)(2) or subsection (b) of section  
10 1201 of title 17, United States Code, the Secretary  
11 of Homeland Security is authorized to share infor-  
12 mation about, and provide samples to affected par-  
13 ties, subject to any applicable bonding requirements,  
14 as to the seizure of material designed to circumvent  
15 technological measures or protection afforded by a  
16 technological measure that controls access to or pro-  
17 tects the owner's work protected by copyright under  
18 such title.